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RUEHBUL/AMEMBASSY KABUL PRIORITY 0432
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C O N F I D E N T I A L KUWAIT 000143

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NEA/ARP, NEA/RA, S/CT

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TAGS: [PREL](#) [PTER](#) [PINR](#) [PGOV](#) [KU](#)
SUBJECT: KUWAITI PROSECUTOR WANTS TOUGHER CT LAWS

REF: 2009 KUWAIT 1169

Classified By: Political Counselor Pete O'Donohue for reasons 1.4 b and d

Antiquated Laws

¶1. (C) Mubarak Al-Refaie, Head of Kuwait City (Capitol) Prosecution Office told poloff February 11 that Kuwaiti prosecutors are eager to try and convict homegrown terrorism suspects but their efforts are stymied by antiquated CT laws. For the prosecution, he stated, the biggest hindrance to combating terrorism in Kuwait is that despite the dynamic nature of global terrorism, there have been no updates to the 1970 State Security law. The provisions in the law are too general, he added, and not applicable to many of the crimes committed relevant to terrorism. He said that the Attorney General's office has proposed recommendations to parliament to update the law, but to no effect thus far. Al-Refaie blames Kuwait's MPs (and numerous dissolutions of parliament in recent years) for the lack of progress on legislative fronts, but views the recent more cooperative atmosphere between the legislative and executive branch as presenting a window of opportunity -- but not promise -- for enacting a CT package. (Note: Kuwait's Prime Minister told Ambassador February 17 that he expected a pending Anti-Money Laundering Law -- which would criminalize terror financing -- would be passed by June of this year. End Note.)

Illegal Travel to Afghanistan

¶2. (C) Al-Refaie said Kuwait State Security (KSS) has the right to arrest any citizen or resident of Kuwait believed to have traveled to Afghanistan (on non officially-sanctioned travel), and the Kuwait City Prosecution Office (in charge of all terrorism cases for the country), he stated, cooperates fully with KSS to build a prosecution case against such individuals. However, he added, limited technical capacity in terms of equipment and trained investigators tends to frustrate the compilation of actionable evidence. The prosecutor lamented the dearth of U.S. intelligence gathered/provided on the ten Kuwaiti GTMO returnees, which he saw as being key to the GoK's inability to make a case against them.

Comment:

¶3. (C) Al-Refaie took the unusual step of publicly calling in a February 7 interview with Arabic daily Al-Qabas for better CT legislation, offering that Kuwait as a nation needed to settle on a clearer definition, which he suggested could be "terrorism is any use of force or

violence, threats or intimidation in an individual or collective manner to attain goals, disturb the public security or endanger the safety of the society." Al-Refaie's public and private candor about the difficulties both his office and KSS face in moving on terror cases represents a refreshing, but rather rare, confession by a Kuwaiti justice official of systemic GOK challenges in dealing with terrorism through the courts. End comment.

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